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Letter dated 14 May 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 8 of Security Council resolution 1857 (2008), I have the honour to submit herewith the interim report of the Group of Experts on the Democratic Republic of the Congo (see enclosure).

I would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Baki **İlkin**
Chairman

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Enclosure

Letter dated 4 May 2009 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004)

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit herewith the interim report of the Group prepared pursuant to paragraph 8 of Security Council resolution 1857 (2008).

(*Signed*) Dinesh **Mahtani**

(*Signed*) Raymond **Debelle**

(*Signed*) Mouctar Kokouma **Diallo**

(*Signed*) Christian B. **Dietrich**

(*Signed*) Claudio **Gramizzi**

Interim report of the Group of Experts on the Democratic Republic of the Congo

I. Introduction

1. By its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri, and on groups not parties to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo. By its resolution 1533 (2004), the Council established a sanctions Committee and a Group of Experts, to be composed of no more than four members, to monitor the implementation of the arms embargo. The Council further extended the embargo to any recipient on the territory of the Democratic Republic of the Congo, with exemptions including the Congolese army and police, by its resolution 1596 (2005).

2. By resolution 1596 (2005), the Security Council also established travel restrictions and imposed a freeze on the assets of individuals and entities violating the arms embargo, as designated by the Committee, and re-established the Group of Experts, with the addition of a fifth expert for financial issues. Following the establishment of the consolidated assets freeze and travel ban list by the Committee on 1 November 2005, the Council, by its resolution 1649 (2005), extended the applicability of the travel and financial restrictions to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo and to Congolese militias receiving support from abroad who impede the participation of their combatants in disarmament, demobilization and reintegration processes.

3. In July 2006, by its resolution 1698 (2006), the Security Council renewed the arms embargo and the travel and financial measures until 31 July 2007, further broadening their applicability to political and military leaders recruiting or using children in armed conflict and to individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. The arms embargo and targeted sanctions were further renewed until 31 March 2008 by Council resolutions 1771 (2007) and 1799 (2008).

4. By its resolution 1807 (2008), the Council renewed the arms embargo and the travel and financial measures until 31 December 2008 and limited the applicability of the embargo to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo. The Council also clarified that the measures on arms and technical training no longer applied to the Government of the Democratic Republic of the Congo. The Council terminated the requirement, originally established by its resolution 1596 (2005), that authorized shipments of arms and related materiel should be made only to sites designated by the Government in consultation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). At the same time, in paragraph 5 of that resolution, the Council reiterated the obligation of supplier States to notify the Committee of all shipments of arms and related materiel to the Democratic Republic of the Congo and of any provision of assistance, advice or training related to military activities in that country.

5. By subparagraph 13 (e) of resolution 1807 (2008), the Security Council decided that the assets freeze and travel ban would also apply to individuals, as designated by the Committee, operating in the Democratic Republic of the Congo

and committing serious violations of international law involving the targeting of women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

6. By resolution 1857 (2008), the Security Council decided to extend the sanctions regime and the mandate of the Group of Experts as set out in resolution 1807 (2008) for a further period expiring on 30 November 2009, and requested the Group of Experts to report to the Council in writing, through the Committee, by 15 May 2009 and 15 October 2009. By paragraph 4 of resolution 1857 (2008), the Council decided that the assets freeze and travel ban would also apply to individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo, as well as individuals or entities supporting the illegal armed groups in the eastern Democratic Republic of the Congo through the illicit trade of natural resources.

7. By paragraph 8 of resolution 1857 (2008), the Security Council requested the Group of Experts to continue fulfilling its mandate as set out in paragraph 18 of resolution 1807 (2008), as follows:

(a) To examine and analyse information gathered by MONUC in the context of its monitoring mandate and share with MONUC, as appropriate, information that might be of use in the fulfilment of the Mission's monitoring mandate;

(b) To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the Governments of those countries, on flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 1 of resolution 1807 (2008) (the arms embargo);

(c) To consider and recommend, where appropriate, ways of improving the capabilities of interested States, in particular those of the region, to ensure that the measures imposed by paragraph 1 of resolution 1807 (2008) are effectively implemented;

(d) To keep the Committee frequently updated on its activities;

(e) To provide the Committee, in its reports, with a list, with supporting evidence, of those found to have violated the measures imposed under paragraph 1 of resolution 1807 (2008) and those found to have supported them in such activities, for possible future measures by the Council.

8. In addition, by paragraph 9 of resolution 1857 (2008), the Council decided that the mandate of the Group of Experts should include providing the Committee with any information relevant to the Committee's designation of the individuals and entities described in paragraph 4 of the resolution, as well as to assist the Committee in updating the publicly available reasons for listing and identifying information for individuals and entities and in compiling narrative summaries referred to in paragraph 18 of the resolution.

9. The Security Council also directed the Group of Experts to continue to focus its monitoring activities in North and South Kivu and in Ituri, and, by paragraph 12 of resolution 1857 (2008), requested in particular that MONUC share information with the Group of Experts, especially on the support received by armed groups, on recruitment and use of children, and on the targeting of women and children in situations of armed conflicts. The Council also requested the Government of the

Democratic Republic of the Congo, MONUC and the Group of Experts to cooperate intensively, including by exchanging information regarding arms shipments, illegal exploitation of natural resources and regarding the activities of individuals and entities pursuant to paragraph 13 of resolution 1807 (2008).

10. In a letter addressed to the President of the Security Council dated 13 February 2009 (S/2009/93), the Secretary-General informed the Council that he had appointed the members of the Group of Experts as follows: Dinesh Mahtani (United Kingdom of Great Britain and Northern Ireland, finance expert and Coordinator), Raymond Debelle (Belgium, regional expert), Mouctar Kokouma Diallo (Guinea, Customs expert), Christian B. Dietrich (United States of America, aviation expert) and Claudio Gramizzi (Italy, arms expert). The Group was assisted in its mandate by two consultants, and by Francesca Jannotti Pecci, Political Affairs Officer in the Department of Political Affairs of the United Nations Secretariat.

11. The Group of Experts wishes to express its thanks, in particular, to the Special Representative of the Secretary-General and the staff of MONUC for their support and continued collaboration. The Group also wishes to acknowledge, with appreciation, the cooperation of the national authorities of the Democratic Republic of the Congo and Rwanda during the Group's missions to those countries.

II. Methodology

12. The Group of Experts commenced its work on 2 March 2009 in New York, where it held consultations with United Nations officials and diplomatic missions before travelling to Europe to meet with representatives of various Governments and non-governmental organizations. The Group arrived in Kinshasa on 20 March 2009 to begin five weeks of field work in the region. Along the lines of its previous mandate, and pursuant to paragraph 10 of resolution 1857 (2008), the Group adopted a case study approach, focusing on North and South Kivu and Ituri.

13. The Group of Experts worked in close collaboration with MONUC, relevant United Nations agencies and local organizations in its investigation of possible sanctions violations by armed groups in the eastern Democratic Republic of the Congo. In particular, the Group continued to research the activities of the Forces démocratiques de libération du Rwanda-Forces combattantes Abacunguzi (FDLR-FOCA), as well as the activities of the movement's political leadership and diaspora members. In the light of the political and military developments which have transpired since the beginning of 2009, the Group also focused its analysis on the integration process in the Congolese armed forces (FARDC) of the Congrès national pour la défense du peuple (CNDP) and other Mai-Mai militias, as well as on non-integrated elements which remain outside of the current peace process. As requested by the Security Council in paragraph 5 of resolution 1807 (2008), and reaffirmed by paragraph 1 of resolution 1857 (2008), the Group continued to investigate possible arms shipments to the Democratic Republic of the Congo which were not notified by exporting countries to the Committee.

14. The Group also monitored the implementation by Member States of the targeted travel and financial measures imposed against individuals and entities on the Committee's list.[1]

15. Pursuant to paragraphs 4 and 9 of resolution 1857 (2008), the Group of Experts investigated individuals suspected of having committed violations of international humanitarian law by targeting women and children, impeding the disarmament process, recruiting child soldiers, and obstructing access to, or the distribution of, humanitarian assistance in the eastern Democratic Republic of the Congo. The Group continued its research into the linkage between the illegal exploitation of natural resources and the financing of illegal armed groups.

16. The Group of Experts used evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report (S/2006/997), relying on authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves. When this was not possible, the Group corroborated information using at least three independent and reliable sources.

17. The Group met with a number of different interlocutors during its fieldwork, including the civilian and military authorities of the Democratic Republic of the Congo and other regional States, MONUC staff, national civil aviation authorities, mineral traders, representatives of business entities, air and land transport companies and non-governmental organizations, as well as former and current militia members. A list of meetings and consultations held by the Group is contained in the annex to the present report.

III. Political and military context

18. The political and military situation in the eastern Democratic Republic of the Congo has changed dramatically since January 2009 when the Governments of the Democratic Republic of the Congo and Rwanda embarked upon joint military operations (known as *Umoja Wetu*) against FDLR, and following the arrest of General Laurent Nkunda, the military leader of CNDP, on Rwandan soil. Joint operations of FARDC and the Rwandan Defence Force (RDF) began on 20 January 2009, with RDF officially withdrawing from the eastern Democratic Republic of the Congo on or about 25 February 2009. Since March 2009 MONUC has been supporting FARDC operations against FDLR (known as *Kimia II*), with the objective of stifling FDLR counterattacks and eventually dismantling the rebel group.

19. During *Umoja Wetu*, the FARDC-RDF alliance was able to push back FDLR from some of its key locations, but the military operation suffered from a short timespan, logistical bottlenecks and the reported embezzlement of operational funds, and failed to break the FDLR command and control apparatus, which remains intact. Since the withdrawal of RDF, FDLR has counterattacked in various locations across North and South Kivu, resulting in increased civilian casualties. Delays in the disbursement of FARDC salaries have also exacerbated indiscipline within the newly integrated FARDC units, resulting in ongoing human rights violations perpetrated by FARDC, including looting and attacks on the civilian population.

[1] Available from www.un.org/sc/committees/1533/pdf/1533_list.pdf.

20. The arrest of General Nkunda in January 2009, followed by the accelerated integration of CNDP into FARDC, has succeeded in disrupting part of the support networks linked to CNDP. Many members of General Nkunda's executive committee left the Democratic Republic of the Congo in 2008, taking with them the access to the external financial networks used by CNDP, although the Group has received confirmation that some members of that committee are resurfacing in the region. According to many sources, most CNDP senior officers still consider General Nkunda their leader, even if they are obliged to follow orders from the new FARDC structures.

21. A political agreement between the authorities of the Democratic Republic of the Congo and CNDP led by the latter's new president, Désiré Kamanzi, was formally signed on 23 March 2009. The agreement includes clauses on the integration of the CNDP military and police structures, the transformation of CNDP into a political party, the release of political prisoners and the prospect of an amnesty law, the return of refugees to the eastern Democratic Republic of the Congo, the structure of public administration, security sector reform, and the care of CNDP widows, wounded and orphans. The Group understands that much of the follow-up work to implement these clauses had yet to be set in motion as at the end of April 2009. At the time of the submission of this report, CNDP was also still expected to offer proposals on FARDC reform.

22. Kinshasa and Kigali have been brokering meetings between prominent members of the political and business community in North Kivu, with discussions centring in part on the possibility of imposing a new governor in Goma who could better represent their respective interests. Some of the discussions have focused on the possibility of eventually splitting North Kivu into two provinces to achieve this. Those deliberations have involved political networks close to Désiré Kamanzi and Eugène Serufuli, a former governor in North Kivu, although the Group understands that political figures closer to General Nkunda are now involved in some negotiations. In the meantime, the Group understands that the potential for land disputes is on the increase, following a reported sudden increase in the purchase of land parcels by wealthy individuals in some parts of North Kivu amid a large-scale repatriation of cattle back to the province, including many that were evacuated before the escalation in fighting in 2008. The Group considers that the success of military integration will depend on how much confidence Kinshasa and Kigali retain in the balancing of their political and economic interests in the eastern Democratic Republic of the Congo.

23. Some parts of North Kivu have remained under parallel civilian administrations, with CNDP-appointed agents continuing to work in administrative offices in certain local government posts in Rutshuru and Masisi territories. In Masisi, towards the CNDP stronghold of Kitchanga, CNDP officials are collecting a number of local taxes. The CNDP leadership argues that it has no choice but to do this in order to take care of its war wounded and look after troops on the ground as long as Kinshasa fails to pay for those costs. Additionally, the Group received information confirming that such arrangements are being implemented with the informal consent of the authorities in Kinshasa, pending the availability of funds for the payment of salaries of former CNDP soldiers integrated into FARDC.

24. At the end of April 2009, Operation *Kimia II* was yet to be fully on track. Following the deployment of two senior ex-CNDP officers, General Sultani

Makenga and Colonel Claude Mucho, to Bukavu and Kindu, respectively, in March 2009, operational plans were put on hold for logistical reasons. Colonel Mucho's troops had started to move towards Shabunda in South Kivu, although some FARDC officers admitted to the Group that the real objective behind joint operations is to finally take control of mining zones in Walikale. The Group understands from FARDC sources that operations launched by FARDC from Bukavu would be organized in part to clear out FDLR elements from mineral-rich zones in Kalehe.

25. The Group has obtained information about various local arms-trafficking networks connected to Burundi, and will continue to monitor developments within the Burundian peace process and the demobilization of FNL, which could have a regional spillover effect. On 9 April 2009, heavy fighting erupted in Uvira town in South Kivu, and 200 prisoners were released after an attack on the prison there. The Group is verifying credible reports that some of the fighters involved could have been Burundian. The Group has also received some information about the presence of Burundian trafficking networks that are linked to FDLR.

26. There are still several armed groups in South Kivu which have not yet joined the integration process, including the Mai-Mai Yakutumba, Mai-Mai Zabuloni and the Forces républicaines fédéralistes (FRF). Late in March and early in April 2009, there were several clashes involving the FARDC 112th Non-integrated Brigade, Mai-Mai Yakutumba, FRF and Mai-Mai Zabuloni. The Group is monitoring developments.

27. The Group is also concerned about ongoing militia activities in the Ituri region, which it continues to monitor closely.

28. In addition to information reported by the previous Group (see S/2008/773), during the current mandate the Group has received verified reports of hundreds of civilian casualties and abductions at the hands of the Lord's Resistance Army (LRA) in the north-eastern Democratic Republic of the Congo since December 2008, and continues to monitor the situation.

IV. Integration of non-State armed groups into FARDC

29. The Group interprets its mandate in the changed political context as requiring the monitoring of the ongoing integration of non-State armed groups into FARDC, and assessing the possible presence of parallel command structures. While the Group understands that integration is an ongoing process that requires time for full implementation, the Group considers it necessary to conduct an evaluation of the integration process to determine whether CNDP and the Mai-Mai are still non-governmental armed groups and therefore subject to continued investigations under the Group's mandate.

30. The accelerated integration of former militias into FARDC began in North Kivu late in January 2009, after a very short period of planning, which did not always include a transparent registration process and full identification and regroupment of combatants in designated integration sites prior to redeployment. Brigade units of non-State armed groups such as CNDP, the Coalition des patriotes résistants congolais (PARECO) and other Mai-Mai groups were broken down to company level, mixed with existing FARDC units and deployed under a mixed military hierarchy of commanding officers throughout North Kivu. During this

process, the Government failed to immediately place new FARDC elements on salary lists. Subsequent delays in the disbursement of salaries to all FARDC units in North Kivu have contributed in part to a spate of lootings and robberies by FARDC elements throughout North Kivu.

31. The accelerated integration process, which resulted in the redeployment of troops before the identification process was completed, has made it impossible to determine the exact number of new recruits into FARDC. According to the Government's technical commission on integration, roughly 12,000 new elements have been identified, 6,006 of whom are former CNDP combatants and 2,872 PARECO fighters, and the remainder various other Mai-Mai groups.

32. According to several officials interviewed by the Group of Experts, the level of disarmament of the non-State armed groups has been weak. The Government's technical commission on integration announced on 22 April 2009 that the 12,000 new recruits have to date handed over 3,550 weapons, of which 3,500 were individual small arms. Only 2,542 weapons were handed in from the 6,006 CNDP ex-combatants identified in the integration process. Only 687 arms were handed over from the 2,872 PARECO elements identified.

33. In terms of larger weapons, CNDP has only handed in seven PMK assault rifles, one MAG machine gun, seven RPG-7, four 60-mm mortars, one 82-mm mortar, six 75-mm recoilless guns, two SPG-9 recoilless guns and four multiple rocket launchers, according to the technical commission on integration. According to FARDC officials, some of these arms were originally part of the FARDC stock, while others were originally from elsewhere. The stock handed in represents only a small percentage of the arms stock held by CNDP in 2008, according to several military sources.

34. The Group has been gathering information about the existence of various arms caches, including stocks of heavy weapons seized by CNDP from the FARDC military base at Rumangabo in 2008, as well as weapons received by CNDP from sources other than FARDC. The Group has obtained information about the location of some of these stockpiles and has received credible information that a significant number of the stockpiles remain under the control of former CNDP military officers.

35. The Group has evidence that a number of former CNDP military officers who are now in FARDC are operating parallel command structures. The Group has received testimonies from senior FARDC officers and sources close to CNDP that General Bosco Ntaganda, the former military chief of staff of CNDP (and listed by the Committee since 1 November 2005), is acting as a de facto FARDC deputy commander for military operations in the Kivus in spite of the apparent nomination of Colonel Isidore Kaumbu Nyankole to this post. The Group has obtained a document that corroborates General Ntaganda's role as de facto FARDC deputy commander.

36. Through documentation, several interviews and field visits, the Group has established that CNDP continues to excise illegal taxes in its former stronghold around Kitchanga, in Masisi territory of North Kivu. Civilian tax administrators supported by military officers are responsible for issuing CNDP-stamped tax receipts to road haulage carriers and various markets in the territory. The Group has calculated using documented figures that CNDP could be receiving as much as

$250,000 per month from these ground taxes. The Group understands from numerous sources that General Ntaganda has access to some of these funds.

37. The Group has been informed by several eyewitnesses, including demobilized former CNDP soldiers, of the presence of a significant number of ex-CNDP soldiers near Ngungu in Masisi territory who have not been integrated into FARDC and who are often armed and wearing civilian clothes. The Group also understands from numerous interviews with former CNDP soldiers from Ngungu that a number of FARDC troops under the control of Lieutenant Colonel Innocent Zimurinda of the FARDC 231st Brigade in Ngungu are foreign nationals.

38. MONUC has calculated that it has repatriated at least 244 foreign fighters, including 75 children, from CNDP from January to mid-April 2009, the large majority returning to Rwanda. These figures confirm the Group's conclusions (see S/2008/773) concerning cross-border recruitment by CNDP.

39. The Group of Experts visited Walikale, close to the site of the Bisie mine, the most prolific cassiterite mine in the Kivus, where it gathered information on the control of the mine by different military officials responding to rival command structures and collaborating with various mineral-exporting companies. According to interviews and Government documents obtained by the Group, part of the mine is under the control of some senior FARDC officers appointed by Kinshasa before January 2009, but it has also now been partially occupied by elements taking orders from an ex-CNDP commander, now part of the FARDC 1st Integrated Brigade, which has expelled Government mining agents from the mining site. The mine was controlled by elements of the FARDC 85th Brigade until earlier in 2009, when the Government persuaded the commander of the 85th Brigade to vacate the site. The Group will continue to evaluate whether competition for control of the mine will affect the integration process and the arms embargo.

40. The Group has credible information about a large number of desertions from FARDC since January 2009, from former CNDP, PARECO and other Mai-Mai units. The Group is investigating reports that some former PARECO elements in North Kivu that have deserted FARDC have now linked up with FDLR units.

V. Police integration

41. The Group is also monitoring police integration. Under the political agreement signed on 23 March 2009, the Government is responsible for the creation of a "*police de proximité*", which will act as a community-level police force which recruits local officers, to be deployed alongside regular integrated police units under the national police. Until the creation of this *police de proximité*, CNDP elements integrated within the national police are expected to remain engaged in the areas where they are currently deployed.

42. According to several sources and available data, the number of ex-CNDP elements currently positioned in the integrated police structures in North Kivu outweigh other elements. In addition to this, most of the ex-CNDP elements have received only basic formal training from the police and have been integrated into the national police without any law enforcement equipment. The Group understands that salary lists relative to the composition of the newly integrated national police

structure have been submitted to Kinshasa, but their approval was still pending at the time of the submission of this report.

43. The national police in North Kivu currently suffers from a serious lack of equipment, often a result of the theft of equipment stocks between October 2008 and January 2009. In Rutshuru in April 2009, the Group calculated that the territory-level national police had a stock of fewer than 300 AK-47 assault rifles and a limited quantity of ammunition. Before the CNDP offensive in October 2008, the national police there had registered more than 1,000 rifles and 56,650 rounds of ammunition as having been in its inventory. However, during the national police integration process in Rutshuru, ex-CNDP policemen handed over virtually no weapons.

VI. Customs

44. The Group continued to monitor the control and management of Customs and border posts, with a view to determining whether Customs rackets are still being imposed by military officials, and whether these financing networks affect the integration process.

45. Following the expulsion of Government agents from the Bunagana border post in August 2008 by CNDP, the armed movement was left in exclusive control of the post until January 2009 when a political agreement was forged between CNDP and Kinshasa.

46. During the period up to January 2009, provincial authorities estimated that more than US $200,000 was lost every month, in view of the lack of official Customs receipts. CNDP used the Bunagana border post to bring in supplies to sustain its military operations, raise taxes from imports and grant Customs exemptions to favoured businessmen.

47. According to Customs agents, all the Customs registries and documentation used by CNDP were confiscated and hidden just before Government-appointed Customs officials arrived back in Bunagana. Those registries and documentation are reportedly still in the hands of one of General Nkunda's finance commissioners.

48. Despite the re-establishment of State authority in Bunagana, the Group has received information that some FARDC officers, including prominent former CNDP officers, are still endeavouring to use the Bunagana border post for illicit activities.

49. The Group has obtained documentation showing that the wife of General Bosco Ntaganda attempted to undervalue the import of 26 tons of rice and 250 boxes of tomatoes destined to supply FARDC in March 2009. The cargo was blocked by Customs officials who confirmed their right to apply excise duty with senior military officials in Kinshasa.

50. According to several sources at Bunagana, the representative of General Ntaganda's wife was protected by armed soldiers and eventually paid a fine of $1,100 instead of the $2,700 demanded by Government Customs authorities. According to sources interviewed by the Group in Goma, General Ntaganda has been given permission to import foodstuffs for FARDC; if this is true, such goods would normally be considered exempt from Customs duties according to numerous Customs officials.

51. During a visit to Bunagana, the Group witnessed Captain Seko, who is known to be the brother of General Laurent Nkunda and who has now been integrated into FARDC, entering the offices of L'Office des douanes et accises. Sources in Bunagana informed the Group that Captain Seko regularly extorts money from Customs agents there. The Group understands that Captain Seko was arrested late in April 2009 for possession of an illegal arms cache.

VII. FDLR

Joint operations against FDLR and FDLR reprisals

52. Operation *Umoja Wetu* against FDLR was launched in mid-January 2009, striking key FDLR bases in North Kivu at Kalonge, Kibua and Remeka in Masisi territory and other FDLR strategic locations in Rutshuru. The FARDC-RDF offensive pushed FDLR Major General Sylvestre Mudacumura (listed by the Committee on 1 November 2005) and some of his military commanders, including elements of the FDLR Reserve Brigade, from Masisi towards Walikale territory in North Kivu, where they were still present at the end of April 2009.

53. During January and February 2009, MONUC repatriated 390 FDLR ex-combatants back to Rwanda through its disarmament, demobilization, reintegration, repatriation and resettlement process, roughly 50 ex-combatants short of the total number of such repatriations of FDLR in 2008. MONUC repatriations under that process numbered 159 FDLR ex-combatants for March and part of April 2009, while Operation *Kimia II* against FDLR has been sporadically continuing in Masisi, Lubero and Rutshuru territories. MONUC estimates the current fighting strength of FDLR at around 4,500, spread between North and South Kivu.

54. According to FDLR deserters, MONUC sources and other interlocutors, the FDLR presence in South Kivu has been largely untouched, particularly at key mining sites identified by the previous Group in its final report (S/2008/773). Under the current mandate, the Group has received credible reports of an increase in the concentration of FDLR fighters around Hombo and in Mwenga and Shabunda territories in South Kivu since January 2009, and increased numbers of attacks on civilians around Bunyakiri. The Group has some information that a significant number of FDLR combatants have moved towards the Kahuzi Biega and Maiko national parks, which have been used by FDLR as rear bases where they can also continue exploiting mineral sites out of reach of FARDC.

55. Since February 2009, FDLR have engaged in more frequent military operations to recover positions lost during *Umoja Wetu*. The armed group has led guerrilla-style counter-attacks in Pinga, Remeka and Kashebere in Masisi territory, and has reoccupied gold mines in Lubero which were vacated during *Umoja Wetu*. The Group has noted that FDLR have perpetrated a number of attacks against civilians in North and South Kivu, in what appears to be retaliation for *Umoja Wetu* and *Kimia II*.

56. The Group has received a copy of a propaganda tract addressed to civilians in the town of Miriki in Lubero territory and delivered around 14 April 2009, warning them not to support FARDC. The Group understands that troops of either FDLR or the Rassemblement pour l'unité et la démocratie (RUD) attacked the area on 17 April 2009, burning up to 250 homes and killing around a dozen civilians. The

Group has been informed by several sources that such tracts are commonly issued to civilians prior to attacks, as part of a policy to intimidate civilians into supporting the armed groups.

57. The Group has received information that Ignace Murwanashyaka, the Germany-based president of FDLR-FOCA who was listed by the Committee in November 2005, was involved in coordinating FDLR counter-attacks in North Kivu after February 2009. According to a senior FDLR deserter who was in General Mudacumura's protection unit, Murwanashyaka was in regular contact with General Mudacumura throughout *Umoja Wetu* and *Kimia II* via a satellite telephone in General Mudacumura's possession, ordering him to follow a strategy of retreat during *Umoja Wetu*, and counter-attack during *Kimia II*, with specific instructions to recover positions lost during *Umoja Wetu*. The Group has verified the satellite telephone records of General Mudacumura during this period and can confirm several communications between General Mudacumura and Mr. Murwanashyaka from January 2009 onwards. Jean-Marie Higiro, the United States-based president of RUD, was also reportedly in regular telephone contact with General Mudacumura from January 2009 onwards.

58. According to FDLR deserters who served with the Reserve Brigade, General Mudacumura was in contact with the Reserve Brigade Commander, Lieutenant Colonel Lucien Nzabanita, from January 2009 onwards via radio and satellite telephone, and eventually instructed Nzabanita to retake positions lost during *Umoja Wetu*. According to FDLR deserters, elements from the FDLR Zodiac Battalion alongside FDLR commandos led by Major "Vainqueur" attacked Remeka several times under orders from Lieutenant Colonel Nzabanita, burning down huts and killing civilians in numerous attacks from the end of February 2009 onwards.

59. One FDLR defector involved in those operations informed the Group that he had been ordered to issue tracts to the civilians in Remeka, encouraging them to support FDLR, before the attacks began. The defector reported that he had worked alongside an FDLR commando known as "Vainqueur", who has been identified by displaced civilians from areas around Remeka as one of the coordinators of those FDLR reprisal attacks.

FDLR support networks and financing

60. According to numerous sources, including FDLR deserters, FDLR have established an extensive international support network consisting of various diaspora FDLR commissioners who are in regular contact with appointed deputy commissioners in the eastern Democratic Republic of the Congo who, in turn, serve as advisers to General Mudacumura. Some of these diaspora FDLR members and supporters are also allegedly involved in fund-raising activities and organizing international money transfers.

61. The Group has analysed telephone records for numbers belonging to FDLR military commanders and has identified frequent calls by FDLR military commanders to more than 20 countries in Europe, Africa and North America. The Group addressed official correspondence to those Member States late in March 2009, asking national authorities to identify the owners of those telephone numbers by 20 April 2009. To date, one African and three European Governments have informed the Group that they are working to obtain the information. Another European Government has already supplied the Group with the requested

information. The Group intends to report to the Committee on the level of cooperation which is received from the Member States concerned on this issue.

62. Senior FARDC officers claim that FDLR no longer benefit from extensive collaboration with FARDC, given the general context of FARDC operations. However, the Group continues to investigate specific cases of continued FARDC-FDLR collaboration and intends to report on those findings, as appropriate.

63. The Group has received information regarding an FDLR recruitment and support network operating in Burundi, and is further investigating the matter.

64. The Group also continues to investigate FDLR control of natural resources as a prime source of fund-raising. The Group understands that, as at the end of April 2009, FDLR continue to control many of the same cassiterite mining sites in South Kivu as were identified by the previous Group of Experts in 2008, and have regained control of important gold mines west of Lubero after initially being displaced from them during *Kimia II*. The Group has also obtained information that the FDLR gold trade to Butembo and Bujumbura, as highlighted in the previous Group's final report (S/2008/773), remains active. The Group will continue building case studies on individuals and entities that are knowingly purchasing minerals from FDLR sources.

65. The Group has gathered information on intense charcoal production controlled by FDLR in the Virunga National Park, along with other forms of exploitation of the Park's resources. The Group is concerned about the continued presence of FDLR elements in the Park who obstruct the activities of the Institut congolais pour la conservation de la nature by perpetrating frequent attacks on its rangers during patrols to stop illegal charcoal-making activities. The Group has also received verified information that FDLR elements are collecting a charcoal tax imposed on civilians.

66. The Group of Experts is encouraged by the Institute's initiative to promote production of combustible briquettes as an alternative to charcoal. The Group considers this initiative as a way to significantly weaken FDLR financial support through the illegal exploitation of the National Park, while at the same time creating a development option for the population living in the Park. The Group encourages the Government of the Democratic Republic of the Congo and international donors to ensure full support to this initiative.

VIII. Technical violations of resolution 1807 (2008)

67. The Group of Experts has continued its investigations into technical violations of the arms embargo pursuant to paragraph 5 of resolution 1807 (2008). The Group was informed by the Committee that it had received notifications by two Member States exporting military equipment to the Democratic Republic of the Congo, with proposed deliveries in April and May 2009.

68. The Group would welcome the provision of all relevant information, including the itinerary of declared shipments in such notifications by exporting States, as stated in paragraph 5 of resolution 1807 (2008). This should include the name of the vessel and name of the transport company delivering the material, so that the Group can effectively identify declared shipments from potentially non-declared ones. Moreover, the provision of the following information concerning arms and

ammunition deliveries would enable the Group to trace arms deliveries to the Democratic Republic of the Congo more efficiently:

(a) Complete list of identification numbers and other marking codes on weapons;

(b) Complete list of codes marked on the head-stamps of ammunition, or codes marked on shells;

(c) Additional information relevant to the marking codes of the boxes and other containers used for transportation.

69. The Group of Experts has obtained information to the effect that arms and ammunition were transported to FARDC from the Sudan in December 2008 and February 2009. The military equipment was loaded at Khartoum International Airport on to a Boeing 707 aircraft registered in the Democratic Republic of the Congo that had been requisitioned by the Ministry of Defence of the Democratic Republic of the Congo in September 2008. Flights of the aircraft occurred on 4 and 5 December 2008, and on 12 and 14 February 2009. The Group has submitted a request to the Permanent Mission of the Sudan for further clarification. The Group is concerned that continued violations of paragraph 5 of resolution 1807 (2008) could further hinder mechanisms to promote effective stockpile management by FARDC. The Group is looking into further violations and will report to the Committee in due course.

70. The Group is further concerned by the continued use of civilian aircraft requisitioned by FARDC to transport arms to the Democratic Republic of the Congo. The Group has received complaints that FARDC does not pay for the requisitioned flights; that the flights can compromise the safety of the civilian aircrew; and about non-compliance with civil aviation procedures such as the declaration of dangerous goods. The Group recognizes the limited air transport capacity of FARDC, but is also aware that the requisitioning of aircraft can lead to air safety problems in the Democratic Republic of the Congo, in violation of paragraph 6 of resolution 1807 (2008). For example, a Let 410 transport aircraft received an authorization on 4 February 2009 to perform a ferry flight to Goma and was given a provisional Congolese registration number for this purpose. The aircraft was then requisitioned by FARDC from 10 to 23 February 2009 without the required documents of the Congolese Civil Aviation Authority, including the certificate of airworthiness and registration certificate. The aircraft experienced a technical problem following departure from Goma on 11 February 2009, and was forced to return to the airfield. The requisitioned aircraft, however, operated 12 transport flights to Kilambo airstrip, Walikale territory, during the period that it was requisitioned by FARDC, and carried cassiterite on its return flights to Goma.

IX. Stockpile management

71. The Group intends to continue monitoring FARDC stockpile management during the course of its mandate, as it did previously (see S/2008/773). Proper management of FARDC weapons stockpiles is critical to avoid the diversion of arms and ammunition to non-governmental armed groups, as well as avoiding dangerous safety hazards. The poor condition of stocks and control mechanisms within FARDC

and the national police, coupled with poorly disciplined and paid troops, poses a serious risk of continued diversion of military equipment to armed groups.

72. The management of FARDC stockpiles can also have a serious implication for aviation safety in the Democratic Republic of the Congo. In November 2008 the MONUC Aviation Safety Unit submitted an observed hazard report detailing the risks for the safety of MONUC staff and assets at Goma airport arising from FARDC transportation and storage of military equipment at the airport. The report noted that arms and ammunition were offloaded for FARDC in close proximity to MONUC operations at the main apron of the airport. The arms and ammunition were then stored in an adjacent facility that the MONUC Aviation Safety Unit deemed to be in close proximity to United Nations operations, with a high potential for loss of life and property. The Group has been informed of the continued offloading of military equipment at the main apron at Goma airport in April 2009, and that FARDC continues to use the adjacent storage facility described in the MONUC report.

73. The Group of Experts also intends to continue monitoring the issue of FARDC military training by foreign personnel in connection with paragraph 5 of resolution 1807 (2008). The Group considers that any training provided by States, companies or private individuals without prior notification to the Committee constitutes a technical violation under resolution 1807 (2008). The Group recalls that the previous Group named several countries (see S/2008/773, para. 144) that had provided military training to FARDC without having notified the Committee in advance.

X. Violations of subparagraphs 4 (d), (e) and (f) of resolution 1857 (2008)

74. In line with the methodology applied in the previous mandate, for the purpose of its investigations, the Group relied on verified reports collected from MONUC, UNICEF, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and the Office for the Coordination of Humanitarian Affairs, as well as on information from local and international non-governmental organizations working in the field of child protection, human rights and the provision of humanitarian assistance. The Group's findings are also based on direct observations by the experts in the course of their field research. In-depth interviews conducted with adults, children and caregivers have provided first-hand testimonies to supplement the findings.

Recruitment of children

75. According to MONUC, from 1 February to 29 April 2009, a total of 911 children were formally separated from the armed groups during the accelerated integration process; of this number, 381 children were from the PARECO militia, 145 children were from CNDP, 357 from the various Mai-Mai groups, 12 from FDLR and 16 from FARDC.

76. The Group analysed a total of 288 documented recruitment cases of children who were separated from the armed groups from November 2008 to mid-March 2009 in North Kivu. A total of 86 recruitment cases were conducted by CNDP

forces, 69 by Mai-Mai groups, 62 by PARECO, 16 by FDLR and 3 by FARDC, while 52 cases were unspecified.

77. Of the 288 cases analysed by the Group, 30 cases involved children recruited from November 2008 to February 2009. Of this number, nine cases of recruitment were conducted by Mai-Mai forces, seven by CNDP, seven by PARECO forces, two by FDLR, two by FARDC, and three were unspecified. In addition, of 288 recruitment cases, 36 children had been repeatedly recruited; of these, 24 children were recruited twice, while 12 children were recruited at least three times. These numbers underline the fact that re-recruitment of children remains a worrying trend, as previously highlighted (see S/2008/773).

78. The Group understands that, owing to the accelerated nature of the integration process, in most cases the system for the verification and separation of children was not implemented, and verification teams were not deployed systematically across integration sites. This resulted in the inability of child protection partners to regularly identify, verify and separate all children during the process, and in children being deployed to the front lines before they could be identified and separated. The Group also received information that, at the beginning of the integration process, some CNDP military commanders threatened to leave the process if obliged to surrender children, and that some military commanders were involved in hiding children during the identification process.

79. Of the 91 children repatriated by MONUC from January to April 2009, 75 were drawn from CNDP ranks, 13 from FDLR, 2 from PARECO and 1 from FARDC. Most of the children from CNDP were Rwandan, although the Group has also documented cases of Burundian and Ugandan ex-CNDP child combatants. This analysis confirms the Group's finding of cross-border recruitment of children, as previously reported (S/2008/773).

80. The Group identified several children integrated into military units on the axis between Mushake and Kitchanga. Here the Group observed significant numbers of children present in the FARDC integrated brigade, in particular at Kilolirwe and Kitchanga, under the control of 22nd sector FARDC Commander Colonel Innocent Kabundi. The Group also observed several children among the national police at Kitchanga. There the Group also obtained several testimonies concerning the abduction of 16 children and an estimated 14 adults in broad daylight, who were forced from the streets or houses to transport military equipment for FARDC troops towards the frontline at Pinga. The Group has separately interviewed three children who were abducted by FARDC in Kitchanga and used as porters in military operations.

81. The Group has also collected evidence that Lieutenant Colonel Zimurinda, currently FARDC brigade commander based in Ngungu, refuses to separate children under his command. Since October 2008, the Group has collected several reports of Lieutenant Colonel Zimurinda forcibly recruiting children; according to witnesses interviewed by the Group, if children resist recruitment they are imprisoned and beaten until they submit. According to testimonies collected by the Group, several children were actively hidden by Zimurinda at Numbi while his troops were going through the identification process. On 17 April 2009, Lieutenant Colonel Zimurinda attempted to forcibly remove children who had escaped to the MONUC peacekeeping base in Ngungu. Lieutenant Colonel Butoni, deputy to Zimurinda and also currently based in Ngungu, is also known to recruit and use children.

82. The Group received unconfirmed reports of ongoing recruitment by Mai-Mai groups in the northern part of Rutshuru towards Vitshumbi. According to local sources, children often join Mai-Mai militias to protect their community from attacks. The Group will also continue to investigate groups including FDLR and splinter PARECO forces which are known to maintain children in their ranks.

83. In the course of a separate field mission, the Group observed the presence of two children as the armed escort of Colonel Eric Ruhorimbere, deputy commander to Colonel Philemon Yav, responsible for FARDC zone 1 operations in Rutshuru.

84. The Group has received multiple reports of ongoing recruitment in particular in the area of Western Masisi by the Alliance des patriotes pour un Congo libre et souverain of Colonel Janvier Buingo Karairi. According to multiple sources, he has resumed the recruitment of children, with at least 11 confirmed cases of recruitment conducted by his forces during February 2009 alone.

85. The Group also notes that Lieutenant Colonel Jean-Pierre Biyoyo, former leader of the Mudundu 40 militia, who was sentenced by military tribunal in March 2006 for crimes which included the recruitment of children, is now serving as the deputy FARDC commander in the 32nd sector deployed in South Kivu, under the command of Colonel David Rugayi.

Serious violations of international law targeting women and children

86. The Group is working closely with MONUC, United Nations bodies and non-governmental organizations, as well as victims of abuses, to identify trends and responsibility for serious violations of international law targeting women and children. The perpetrators of violations of human rights and international human rights law committed in North and South Kivu and Oriental Province were mainly members of foreign armed groups, namely LRA and FDLR, as well as elements of FARDC taking part in the *Kimia I* and *II* operations against FDLR. The violations consisted of arbitrary executions, reprisal killings, abductions and wilful destruction of property, perpetrated mainly by LRA and FDLR, and sexual violence, forced labour, looting and ill-treatment of civilians perpetrated by FARDC soldiers.

87. Gathering and analysing verified reports of sexual violence remains extremely difficult in the eastern Democratic Republic of the Congo for various reasons, including victims' fear of reporting the crime, lack of judicial redress for rape victims, the inherent difficulty of establishing command and control arguments in cases of rape, and the lack of systematized data collection of incidents of sexual violence, as previously noted (S/2008/773). The Group is encouraged by the Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo, prepared by the Office of the Senior Adviser and Coordinator for Sexual Violence in the Democratic Republic of the Congo, which recommends the streamlining of coordination mechanisms including in the data collection phase. At the same time, the Group notes that, in an environment in which the identity of perpetrators is rarely reported, the capacity to hold individuals accountable through the use of targeted sanctions is limited.

88. The Group will, however, continue to collect reports of sexual violence committed by members of armed groups, and likewise intends to continue investigating cases of systematic and wide-scale abuses targeting women committed by military forces, including cases where FARDC elements are involved.

89. According to reports that have been collected by the Group, all non-governmental armed groups and FARDC are responsible for committing abuses targeting women and children. In a small sample from Kalehe and Masisi territories alone, a total of 142 cases of rape by military actors were reported and verified from 1 November 2008 to 10 April 2009. The alleged perpetrators represented all groups: 43 reports of rape allegedly committed by PARECO elements, 45 committed by CNDP, 30 by FDLR, 21 by FARDC elements and 3 by Mai-Mai. Although these numbers are far from exhaustive, they are indicative of the continued high level of sexual violence committed by military agents.

90. The Group has also gathered verified reports of systematic rape committed by FARDC troops in Kanyabayonga in November and December 2008. According to those reports, a total of 49 cases were confirmed to have been perpetrated by elements of FARDC. Because of the confusion resulting from the CNDP advance and subsequent flight of FARDC elements, it is not possible to ascribe individual responsibility; however it is known that troops from the FARDC 2nd, 4th, 6th, 7th, 9th, 13th, 15th and 16th Brigades were present in Kanyabayonga at that time.

Command responsibility

91. The Group has been able to identify a number of cases of command responsibility by members of various non-governmental armed groups and FARDC for violations of international law targeting women and children. However, the Group notes its limited resources and time frame on the ground.

FDLR

92. Retaliation during the operations *Kimia I* and *II* exposed the civilian population to abuses by FDLR elements, including dozens of reported killings. The Group received credible reports of attacks carried out by FDLR elements on several villages, throughout North and South Kivu, and is following up a number of leads.

LRA

93. The Group received verified information of gross violations of international human rights law by elements of LRA from 25 to 28 December 2008 as well as during the first two weeks of January 2009. According to credible estimates, a total of 1,020 civilians were killed during LRA attacks carried out from December 2008 to March 2009 in the north-eastern Democratic Republic of the Congo. In addition, agricultural fields, public and official buildings, mainly schools, were systematically looted and then burned in all the localities that were attacked. As a result of the attacks, an estimated 100,000 persons were internally displaced.

FARDC

94. The Group has gathered reports of documented killings conducted by FARDC troops in Goma and the area of Kanyabayonga at the end of 2008, and in southern Lubero territory since the end of January 2009.

95. In Rutshuru territory, FARDC deployed along the Kiwanja-Ishasha axis have been involved in several cases of rape and attempted rape, systematic looting, extortion and general harassment of the local population since their arrival on 23 January 2009. Elements of the FARDC 15th Integrated Brigade, who were

formerly deployed in Kanyabayonga, were identified as the main perpetrators. The Group also has information on systematic rapes perpetrated so far in 2009 by members of the FARDC 85th Brigade.

96. More recent killings of civilians by FARDC forces have been reported in the area of south Lubero territory. Since the end of January 2009, several civilians have been killed by FARDC elements who accuse the local population of collaborating with FDLR forces in the area. In addition to the killings and looting reported, Government forces have been responsible for the burning of villages since the beginning of operations against FDLR, including in Miriki (Lubero territory) where FARDC forces burned 150 houses. According to a Government source in Kanyabayonga, during the early part of April 2009, 103 women were raped by armed men in uniform, including FARDC soldiers.

97. The Group notes that, in Lubero territory, Colonel Smith commands the eastern axis (12th sector) and is based in Kanyabyonga, while Colonel Tchuma commands the northern axis (11th sector) and is based in Kirumba. The Group has received reports of FARDC troops committing abuses against civilians as they deployed in South Kivu in April 2009.

Killings in Kiwanja on 5 November 2008: follow-up

98. In paragraph 191 of its final report (S/2008/773), the Group of Experts reported the targeted killings of civilians by CNDP in Kiwanja on 5 November 2008, following clashes the day before between CNDP and PARECO. According to information gathered during the current mandate, the toll of civilian deaths amounted to 89, among them 2 children, 3 women and 84 men. The United Nations Joint Human Rights Office documented 67 victims, all of Nande or Hutu ethnicity, and mostly young males. According to eyewitness testimonies collected by the Group, some of which were corroborated by that Office, executions were carried out by Tutsi soldiers in camouflage uniforms and speaking Kinyarwanda. It is worth noting that, on 5 November 2008, Mai-Mai elements had retreated from Kiwanja before the executions began, and at the time of the killings there was no FARDC presence in the town.

99. The Group was able to confirm the presence in Kiwanja of the Chief of Staff of CNDP, General Bosco Ntaganda. The Group was also able to establish through eyewitness testimonies that Colonel Mulomba Bahati played a major operational role, together with Captain Seko, Laurent Nkunda's brother. Colonel Mulomba is currently the Commander of the FARDC 132nd Brigade in North Kivu, formally known as the FARDC 18th Integrated Brigade, whereas Captain Seko was deployed on the Rutshuru axis, under the command of Colonel Philemon Yav. In addition, the Group received verified information that CNDP Lieutenant Colonel Innocent Zimurinda, Major Murenze, Major Kipanga and Major Mupenzi participated in the military operations in Kiwanja.

Attacks on humanitarian staff and obstruction to deliveries of humanitarian aid

100. According to information provided by the Office for the Coordination of Humanitarian Affairs, the commencement of FARDC operations against FDLR led to a new wave of displacement in North Kivu. According to humanitarian actors, the three main reasons for this new population movement were the joint military operations against FDLR, reprisals committed by FDLR against the civilian

population, and pillage and looting committed by FARDC forces. Areas of highest humanitarian concern currently include the area west of the Kanyabayonga axis, around Pinga, southern Lubero territory, and the Nyabiondo-Walikale axis. Humanitarian actors are reporting that delivery of humanitarian supplies is being either halted or delayed in several areas of North Kivu by FARDC troops because of military operations, while civilians have been targeted by opposing military forces in militarized zones.

101. According to humanitarian agencies, the security situation for humanitarian agencies and civilians has deteriorated since the beginning of *Kimia II* operations in South Kivu. The population in Kalehe and Bunyakiri territory is at particular risk, especially in the Bunyakiri-Hombo area where civilians have begun to flee from renewed attacks and abuses by FDLR forces and FARDC. Abuses committed by elements of FARDC, including rape, extortion and forced labour, continue to be reported in various parts of South Kivu.

102. Five security incidents against staff of humanitarian agencies were reported in January 2009 in North Kivu, 13 in February 2009 and 16 in March 2009, according to reports received by the Group. Since the beginning of April 2009, there have been eight separate incidents of attacks on humanitarian staff in North Kivu, perpetrated by unknown armed elements. Attacks on humanitarian actors by military elements have resulted in the suspension of activities by some humanitarian agencies in North Kivu. The route between Kitchanga and Mweso has become particularly dangerous for the delivery of humanitarian aid, with eight attacks on humanitarian vehicles from December 2008 to March 2009, including attempted shootings and robberies by unidentified soldiers. Several attacks against non-governmental organizations were also perpetrated by unknown armed elements on the road between Goma and Rutshuru between January and April 2009.

Vetting

103. The findings set out above concerning the continued presence of children in the ranks of the recently integrated brigades, as well as grave human rights abuses committed by former commanders of armed groups currently integrated in FARDC, make a compelling argument for the establishment of a vetting mechanism that would make it possible to screen the human rights records of FARDC military commanders. The Group considers that such an initiative is indispensable for a sustainable integration process, and would strengthen the capacity of the Government of the Democratic Republic of the Congo to effectively extend State authority in the eastern Democratic Republic of the Congo and protect its own nationals. The Group wishes to note that, in the absence of such a mechanism, command responsibility for human rights abuses of the civilian population will ultimately rest with the supreme military command of FARDC.

XI. Natural resources

104. In accordance with subparagraph 4 (g) of resolution 1857 (2008), the Group is continuing its work on the links between the exploitation of natural resources and illegal armed groups.

105. The Group understands from interviews with FDLR deserters, MONUC officials and non-governmental organizations that FDLR continues to operate in

mining sites in South Kivu and has even expanded into new sites in the province since January 2009. The Group understands that many of the traders involved in purchasing cassiterite, gold and other minerals from FDLR areas in South Kivu in 2008 continue to do so. The Group also understands that gold-trading networks linked to FDLR in North Kivu, as highlighted in the previous Group's final report (S/2008/773), remain active. The Group is also monitoring the mining activities that were controlled by CNDP in 2008.

106. The Group has met with one member of the Fédération des entreprises du Congo from South Kivu, the business group that represents the mineral-exporting houses in South Kivu, including the companies mentioned in the Group's previous report, and will undertake a follow-up meeting in Bukavu to understand whether companies have started to implement any due diligence procedures in the purchase of minerals. In 2008, the head of the Federation in Bukavu, Mudekereza Namegabe, questioned the Group as to whether FDLR even existed. The Group will also be following up on the issue of due diligence with traders in North Kivu.

107. As highlighted in the previous Group's final report (S/2008/773), Congolese law draws a distinction between mineral-exporting businesses, or *comptoirs*, which are allowed to buy minerals only from licensed traders, or *négociants*, before they export. Previously, *comptoirs* had endeavoured to shift the responsibility for sourcing the minerals to *négociants*, even when many *comptoirs* work directly with specific *négociants* and even pre-finance their purchasing activities. Some senior managers in *comptoirs* from North and South Kivu have now informed the Group that many comptoirs systematically pre-finance specific *négociants*, and consider them company employees. In some cases, *comptoirs* even pay the licence fees to obtain *négociant* permits for their own employees. Indeed, in the latest North Kivu annual report published by the mining ministry of the Democratic Republic of the Congo and reviewed by the Group, many *négociants* are listed as working specifically for specific *comptoirs*. The Group considers this further evidence that *comptoirs* are responsible for the purchase of their minerals, and intends to discuss with the authorities of the Democratic Republic of the Congo ways in which the current system of *comptoirs* and *négociants* can be made more transparent.

108. The Group has been in contact with Traxys and Trademet, two companies named in the Group's last report (S/2008/773) as consumers of minerals that had been sourced by certain *comptoirs* from FDLR and CNDP. The Group will follow up with other companies named in its previous report, which have been trading minerals sourced from FDLR areas.

109. At a meeting on 16 March 2009 in Brussels, Traxys executives informed the Group that they were continuing to buy minerals from the same *comptoirs* that were identified as having purchased minerals from FDLR in the Group's last report, and were doing so on the basis of waivers signed by those suppliers, who were claiming that their sources of minerals were not controlled by armed groups.

110. In line with paragraph 15 of resolution 1857 (2008), which underlines the importance of due diligence, the Group addressed an official correspondence to Traxys on 26 March 2009 requesting further documentation and information on any further due diligence measures the company was taking. Traxys replied to the Group on 24 April 2009, indicating that it would suspend all purchasing activities in the Democratic Republic of the Congo in the light of the Group advising that "there is no acceptable solution to this issue but to stop any purchase of material". However,

in its letter dated 26 March 2009, the Group did not make any explicit requests to Traxys except for documentation and for further details on any further due diligence efforts by Traxys. The company has not replied to the Group's two requests for documentation and information on due diligence.

111. Trademet has also replied to a number of questions submitted by the Group, but did not address the Group's query regarding the issue of due diligence. The Group would welcome the publication of due diligence plans by companies named in the Group's last report as well as other consumers of Congolese minerals.

112. The Group believes that the ability of *comptoirs* to pre-finance and control *négociants* gives consuming companies a realistic chance of supporting efforts by *comptoirs* to persuade their *négociants* to purchase responsibly. This applies more so for clients such as Traxys, which already have close and long-established relationships with specific *comptoirs*.

113. The Group has still not received information it requested from the Government of Burundi in 2008 in relation to gold exports connected to FDLR trading networks. The Group considers this information vital if it is to close cases on FDLR gold trading networks in the region.

XII. Recommendations

114. The Group recommends that the Government of the Democratic Republic of the Congo implement a vetting mechanism to screen the human rights records of FARDC officers within the wider context of security sector reform.

115. In the interest of promoting transparent stockpile management and preventing the diversion of weapons and ammunition to non-governmental armed groups, the Group recommends that all States exporting military equipment to the Democratic Republic of the Congo notify the Committee of their exports, and include in such notifications all relevant information, in particular the suggestions put forward in paragraph 68 above.

116. The Group recommends that the Government of the Democratic Republic of the Congo undertake a review of the mining legislation vis-à-vis the role of *comptoirs* and *négociants*, with a view to improving transparency in the trade of minerals mined in the Democratic Republic of the Congo.

117. The Group recommends that the Government of the Democratic Republic of the Congo and international donors ensure full support to the initiative of the Institut congolais pour la conservation de la nature of promoting combustible briquettes as an alternative to charcoal, in order to weaken FDLR financial support derived through the illegal production of charcoal in the Virunga National Park.

Annex

Meetings and consultations*

Belgium

Government

Ministère des affaires étrangères

Organizations

International Peace Information Service

World Diamond Council

Private sector

Traxys

Tony Goetz & Zonen

Burundi

Government

Ministère des relations extérieures et de la coopération

Organizations

International Conference on the Great Lakes Region

United Nations Integrated Office in Burundi

International Crisis Group

Private sector

Chambre de Commerce et d'Industrie

Diplomatic representations

Embassy of Belgium

Embassy of France

United Kingdom Department for International Development

Democratic Republic of the Congo

Government

Administration provinciale de Nord Kivu

Administration provinciale de Sud Kivu

Agence nationale de renseignement

* For security reasons, the names of certain individuals and entities that have provided information or statements to the Group of Experts cannot be listed.

Assemblée provinciale du Nord Kivu

Assemblée nationale

Banque centrale du Congo

Centre d'évaluation, d'expertise et de certification

Comité interprovincial de coordination des opérations

Direction générale de migration

Institut congolais pour la conservation de la nature

Ministère des affaires étrangères

Ministère de l'intérieur

Ministère des mines

Ministère des transports

National Focal Point for Small Arms and Light Weapons

Office des douanes et accises

Office congolais de contrôle

Police nationale congolais

Régie des voies aériennes

Service d'appui et d'encadrement des exploitants artisanaux des mines

Organizations

Bego-Congo, Exploitation-Forestière

Centre de Coordination pour l'action contre les mines, Bukavu

ENOUGH

EUPOL

EUSEC

Human Rights Watch

MONUC

Save the Children

United Nations Children's Fund

United Nations Development Programme

United Nations Joint Human Rights Office

United Nations Office for the Coordination of Humanitarian Affairs

World Food Programme

World Bank

Diplomatic representations

Embassy of Angola

Embassy of Belgium

Embassy of France

Embassy of the Russian Federation

Embassy of the United States of America

European Union

Private sector

Corporation des Comptoirs agréés de Goma au Nord Kivu

Fédération des entreprises du Congo (Bukavu)

SDV Agetraf

Supercell

Non-governmental armed groups

CNDP

PARECO

FDLR

France

Government

Ministère des affaires étrangères

Italy

Procura della Republica di Perugia

Rwanda

Government

Ministry of Foreign Affairs

Rwanda Demobilization and Reintegration Commission

Organizations

MONUC

Diplomatic representations

British High Commission

Switzerland

Office of the United Nations High Commissioner for Human Rights

United States of America

Diplomatic representations to the United Nations

Permanent Mission of Belgium

Permanent Mission of the People's Republic of China

Permanent Mission of the Democratic Republic of the Congo

Permanent Mission of France

Permanent Mission of Germany

Permanent Mission of Rwanda

Permanent Mission of the United Kingdom of Great Britain and Northern Ireland

Permanent Mission of Uganda

United States Mission to the United Nations

United Nations Headquarters

Department of Peacekeeping Operations

Department of Field Support

Department of Political Affairs

Office of Internal Oversight Services

Office of Legal Affairs

Office of the Special Representative of the Secretary-General for Children and Armed Conflict

United Nations S/2009/254

Security Council

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Report of the Secretary-General pursuant to Security Council resolutions 1808 (2008), 1839 (2008) and 1866 (2009)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1866 (2009), by which the Council extended the mandate of the United Nations mission until 15 June 2009 and requested me to report on the implementation of the resolution. It provides an update on the activities of the United Nations Observer Mission in Georgia since my report of 3 February 2009 (S/2009/69) and contains recommendations on future activities of the Mission.

2. My Special Representative, Johan Verbeke, continued to lead the Mission. He was assisted by the Chief Military Observer, Major General Anwar Hussain (Bangladesh). The strength of the Mission on 30 April 2009 stood at 129 military observers and 16 police advisers (see annex).

II. Political process and major developments

3. Following the adoption of Security Council resolution 1866 (2009), the mission, under the leadership of my Special Representative, continued to carry out its mandated tasks with the overall objective of promoting stability in its area of responsibility. As part of its efforts, the mission impressed upon the relevant parties the need to ensure respect for the provisions set out in paragraph 2 (a) of the Agreement on a Ceasefire and Separation of Forces, of 14 May 1994 (S/1994/583 and Corr.1, annex I), as called for in resolution 1866 (2009).

4. During the period under review, my Special Representative engaged, in line with resolution 1866 (2009), with the Georgian and Abkhaz sides and key international stakeholders in discussions on a possible revised security regime as a core element of a future United Nations presence. In support of those efforts, I emphasized the need for an agreement on a credible security regime as the basis for a future United Nations mission during my discussions in Moscow on 26 and 27 March, where the efforts of my Special Representative to advance such discussions were welcomed. I conveyed the same message in a meeting with the Minister for Foreign Affairs of Georgia, Grigol Vashadze, in New York on 16 April.

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5. My Special Representative has also remained engaged in the international discussions in Geneva (see S/2009/69, paras. 5-7). On 17 and 18 February, together with representatives of the European Union and the Organization for Security and Cooperation in Europe (OSCE), he co-chaired the fourth round of the discussions, with the participation of Georgia, the Russian Federation, the United States of America and the Abkhaz and South Ossetian representatives. The participants met in two working groups and discussed security and stability in the region and humanitarian issues. Following intensive exchanges, the participants agreed by consensus on "Proposals for joint incident prevention and response mechanisms". The mechanisms envisage regular meetings between officials responsible for security and public order and representatives of international organizations with the purpose of addressing security issues on the ground. In addressing humanitarian issues, participants agreed to focus efforts on questions related to the facilitation of the voluntary, safe and dignified return of refugees and internally displaced persons.

6. In follow-up to the meeting of 17 and 18 February, the co-chairmen urged the Georgian and Abkhaz sides to provide the names of their respective representatives in order to promptly launch the work within the mechanism. The Abkhaz side insisted that the meetings within the mechanism in which it will participate be held only after 15 June 2009, following the decision by the Security Council on a future United Nations presence. It also suggested that the meetings be chaired by the United Nations and be part of the future mandated United Nations activities. On 23 April, the mechanism for South Ossetia was convened in Ergneti, with the participation of the Georgian and South Ossetian sides, as well as representatives of the Ministry of Defence of the Russian Federation, OSCE and the European Union. It was agreed that the next meeting would be held in May 2009.

7. Following a period of relative stability along the ceasefire line in February and March, the overall situation on the ground changed around 9 April, the date on which the Georgian opposition started demonstrations against the Government, with the introduction of additional Russian Federation forces, including heavy military equipment, into the Mission's area of responsibility (see para. 17 below). The Russian officials justified this reinforcement as being aimed against an increasing threat of "military provocations" in view of the potential domestic instability in Georgia. The Russian reinforcement had been withdrawn by 16 April.

8. Tensions in Georgian-Russian relations continued to affect the overall situation in the region. The Georgian side continued to protest against plans by the Russian Federation to establish military bases in Abkhazia and South Ossetia. It called on the international community to stop the Russian military build-up, induce the Russian side to withdraw troops from the Georgian territory pursuant to the agreement of 12 August 2008 (see S/2008/631, para. 11) and reverse the recognition by the Russian Federation of Abkhazia and South Ossetia. Russian officials reiterated that the military bases were established on the basis of agreements with the Abkhaz and South Ossetian leaderships. They also claimed that there was increased military presence and activity by the Georgian side. This was reported to include the presence of some 2,000 special forces and troops of the Ministry of Internal Affairs in the vicinity of the ceasefire line and some 300 personnel near the Kodori valley on the Georgian-controlled side. The Mission has not confirmed reports of such a presence in its area of responsibility in the Zugdidi sector.

9. On 30 April, an "Agreement between the Russian Federation and the Republic of Abkhazia on joint efforts in protection of the state border of the Republic of Abkhazia" and the "Agreement between the Russian Federation and the Republic of South Ossetia on joint efforts in protection of the state border of the Republic of South Ossetia" were signed at the highest level in Moscow. The agreements are effective for five years, with the possibility of extension for a further five years. The Georgian authorities called the signing of those documents a violation of the agreement of 12 August 2008 and appealed to the international community to help "prevent the escalation of Russia's aggression".

10. During the reporting period, the Mission facilitated visits to its area of responsibility by representatives of Member States and international organizations, including the European Union, OSCE and the Council of Europe, as well as representatives of non-governmental organizations. The Mission maintained regular operational contacts with the European Union monitoring mission at all levels.

III. Developments in the Mission's area of responsibility

Gali sector

11. During the period under review, the situation in the Gali sector has been generally calm, although it has been tense at times. While the number of shooting incidents across the ceasefire line has decreased compared with the previous reporting period, the continued Abkhaz and increased Russian military presence in the security zone and the threat of mines and improvised explosive devices contributed to a tense environment. At the same time, notwithstanding the fact that the ceasefire line remained formally closed, the Mission observed increased movement by the local population across the line.

12. The Mission maintained regular contacts with the Abkhaz side and representatives of the Russian Federation forces in order to ensure its ability to carry out its operational tasks. From 30 March, the Mission was requested to liaise with the Abkhaz side on matters relating to the Russian Federation forces.

13. In the Gali sector security and restricted-weapons zones, the Mission has continued to observe the presence of Abkhaz military personnel and heavy military equipment. The Abkhaz forces maintained approximately two platoons, supported by seven T-55 tanks, three armoured personnel carriers and two anti-aircraft guns at the former headquarters of the Commonwealth of Independent States (CIS) peacekeeping force in Gali town. In addition, three armoured personnel carriers and one anti-aircraft gun were located at posts in the security zone. The Mission regularly urged the Abkhaz side to withdraw these personnel and equipment in line with paragraph 2 of resolution 1866 (2009). The Abkhaz side stated that this presence was needed in view of the possible security threats from the Georgian side.

14. The Abkhaz law enforcement and security personnel continued to be deployed at their headquarters and at 16 posts in the security zone, located mainly along the ceasefire line.

15. On 30 March, the Mission observed an armed Abkhaz naval patrol vessel, anchored approximately 700 metres offshore in waters adjacent to the security zone. The ship, which was reportedly based in Ochamchira, was the first Abkhaz navy vessel to be sighted in the area since August 2008.

16. In February, the Mission observed a rotation of the heavy military equipment introduced in the zone of conflict by the Russian Federation forces in August 2008. The Russian forces established a new position in the restricted-weapons zone near Ilori village south of the Ochamchira training area, where the Abkhaz side reportedly planned to construct and expand its training facilities. Early in March, the Mission also observed on several occasions Russian military helicopters overflying the security zone close to the ceasefire line.

17. On 7, 8 and 11 April, the Mission observed the introduction of additional Russian Federation troops and heavy military equipment by road and railway into the security and restricted-weapons zones. One motorized battalion, supported by two squadrons of tanks, a battery of self-propelled artillery guns, one battery of surface-to-air missile systems and two batteries of multiple launch rocket systems were deployed in the security and restricted-weapons zones. Russian military representatives stated that the Russian Federation troops remained within the limits previously announced (see S/2009/69, para. 10), and denied deployment of additional troops. On 15 and 16 April, the Mission observed the withdrawal of these newly introduced troops and equipment.

18. The Mission has regularly conveyed to the representatives of the Russian Federation forces that the presence of military personnel and heavy military equipment in the security and restricted-weapons zones was inconsistent with the call in resolution 1866 (2009) to respect the provisions set out in paragraph 2 (a) of the Moscow Agreement. The Mission also conveyed its view that helicopter overflights in the zone of conflict were also inconsistent with the resolution. Since mid-March, the Mission has not observed such overflights, except once, on 1 May.

19. On 1 May, in the implementation of the Russian-Abkhaz agreement referred to in paragraph 9 above, Russian Federation border guards were introduced into the security zone at an estimated strength of one company, including three armoured personnel carriers and a few engineer vehicles.

20. The Mission noted a generally more cooperative attitude on the part of Abkhaz personnel at their security posts towards the United Nations patrols. However, instances of non-cooperation, such as hostile behaviour involving the negligent handling of weapons and restrictions on patrols' freedom of movement, were also reported. Following representations by the Mission, Abkhaz senior representatives visited the posts together with United Nations patrols, which helped improve the situation.

21. On 4 March, the Russian Federation forces denied a United Nations patrol access through a Russian position near Lekukhona village in the security zone. A Russian liaison officer later informed the Mission that the United Nations patrols would not be allowed to use segments of the roads that pass through the positions of the Russian Federation forces. The Mission is therefore using alternative routes to access some of its patrolling sites.

22. During the reporting period, the Mission investigated four explosions caused by improvised explosive devices. On 10 February, two consecutive explosions — produced by 50 kg and 10 kg of high explosives — occurred on a road routinely used by United Nations patrols between Zeni and Tagiloni villages in the security zone. Those remote-controlled explosions reportedly targeted two trucks with Abkhaz personnel, which had passed by the site of the incidents shortly before. No

casualties or damage were reported. On 10 March, an explosion triggered by a command wire-detonated device occurred on the M-27 road about 1.5 km north of the Inguri bridge as an Abkhaz serviceman was driving a vehicle. No injuries and only minor damage to the vehicle were reported. On 29 March, an explosion caused by a bomb planted on the roof of a roadside shop near Achigvara village in the restricted-weapons zone injured the chief of the village administration and two other employees and destroyed the building. The perpetrators of those explosions could not be identified.

23. The local population remained concerned about the threat of mines in the vicinity of the ceasefire line. On 11 March, a mine explosion near Chuburkhinji village damaged a tractor carrying four people. The Mission continued to bring the issue of clearing the mines to the attention of the relevant Abkhaz authorities on a number of occasions. On 1 April, there was an exchange of fire across the ceasefire line between a Georgian patrol and an Abkhaz man. The Mission could not ascertain who initiated the incident.

24. During the period under review, the criminal incidents reported to the Mission included three homicides, seven attempted homicides and six robberies.

25. On 6 March, in the vicinity of Gantiadi village, a group of armed men in uniform reportedly stopped, searched and confiscated documents, money and other belongings from a group of local residents who were walking in the direction of the ceasefire line. The residents were not detained, but neither were they allowed to cross the ceasefire line. The Mission brought the incident to the attention of the local authorities, who later informed it that the confiscated belongings had been returned.

26. On 3 April, a resident of the village of Nabakevi was found shot dead by the road some distance from his house. Reportedly, several people in uniform had escorted him out of the house on the previous day. The local law enforcement representatives denied any involvement in the incident.

27. The United Nations police continued to liaise with local law enforcement agencies in the Gali, Ochamchira and Tkvarcheli districts. It conducted 18 training courses in forensics, police management, police tactics and other policing skills. It continued to maintain liaison and conduct regular visits to the local law enforcement facilities. In March and April, as part of a community policing project, the United Nations police, together with a local non-governmental organization, Avangard, conducted a training programme in drug abuse awareness for 366 schoolchildren in the Gali district. From 5 to 11 April, the United Nations police facilitated a training course for trainers in forensics, with the participation of four Abkhaz law enforcement personnel in Sochi, Russian Federation. On 24 April, the United Nations police organized an international round-table discussion on traffic safety, with the participation of local and international experts, local authorities and international organizations.

28. During the reporting period, the Mission's Human Rights Office followed up on an increased number of cases of alleged harassment and intimidation of the local population in the Gali district. The Office focused its monitoring and protection activities on the right to non-discrimination, security of the person and freedom of movement and on property rights. The Office conducted regular patrols and joined United Nations military observer patrols; monitored the detention conditions in Gali

town; interviewed residents and collected information from its partners in the field; and followed up on specific complaints and raised issues of concern with the relevant authorities.

29. In addition, the Office continued to monitor developments related to the issuance of "Abkhaz passports" in the Gali district and the language of instruction in local schools, which remained of concern. According to official sources, approximately 1,500 "Abkhaz passports" have been issued in the Gali district so far. Fearing restricted access to public services, such as health care, and limitations on educational and business opportunities, an increased, albeit still limited, number of Gali district residents applied for these passports.

30. The Mission has also followed up on a case of an ethnic Georgian resident of Meore Otobaya village, who was shot and wounded on 24 February, reportedly in the course of a kidnapping attempt, and sent to a hospital in Zugdidi. However, as the injured man was suspected of being involved in criminal activities on the Abkhaz side of the ceasefire line, the local authorities demanded his return, detaining 12 of his relatives and neighbours for one night. On 26 February, the representatives of Abkhaz law enforcement agencies threatened the relatives and neighbours of the alleged suspect, pressuring them to go to Zugdidi to convince him to hand himself in. Fearing reprisals, a large group of village residents crossed to the Georgian-controlled side of the ceasefire line. They were able to return on the following day, after receiving assurances of their safety from the head of the Gali administration. The Mission personnel met with the authorities in Gali town and interviewed the families upon their return. It increased its patrolling activities in the area and has received no reports of mistreatment or reprisals against the affected families.

Zugdidi sector

31. During the reporting period, the situation in the Zugdidi sector has been generally calm, owing, in part, to fewer instances of exchange of fire across the ceasefire line.

32. The Georgian Ministry of Internal Affairs maintained approximately 250 personnel at 15 observation posts and their headquarters in the security zone. The Ministry of Internal Affairs continued to deploy "Cobra" light armoured vehicles, some of which were used only occasionally to patrol areas close to the ceasefire line. Of 27 vehicles present in the security zone, 2 are armed with machine guns and another 2 are ambulances. The Mission brought to the attention of the Georgian side the fact that the deployment of those vehicles was inconsistent with paragraph 2 of resolution 1866 (2009). The Georgian side maintained that the vehicles were required to ensure the protection of its personnel.

33. On 19 February, the Border Police of the Ministry of Internal Affairs at Poti informed the Mission that the naval department of the Georgian Ministry of Defence, including all vessels and equipment, had been transferred under its authority. The Mission was also informed that two Georgian naval vessels regularly patrol the coast from Batumi to Anaklia village in the security zone.

34. The criminal incidents reported to the Mission during the period under review included one homicide, two abductions and 15 robberies.

35. The United Nations police continued to maintain regular liaison and conduct joint patrols with the Georgian police and to visit the law enforcement facilities, organizing 45 training courses in police tactics, forensics and other policing skills. In the framework of the community policing project, funded by the Government of Switzerland, the United Nations police arranged, together with the local non-governmental organization Gaenati, training in drug abuse awareness for 1,475 schoolchildren in the Zugdidi district. On 6 April, a round-table discussion with the participation of local and international non-governmental organizations was held in the framework of the project. More than 1,000 leaflets and posters related to drug abuse prevention were printed and disseminated among the local population.

36. In carrying out the operational aspects of its mandate, the Mission maintained regular contacts with the Georgian authorities. Regular contacts at all levels were also maintained with the European Union monitoring mission.

Kodori valley

37. During the reporting period, the Mission conducted four one-day patrols to the Kodori valley, in February, March and April, to observe the security and humanitarian situation. The overall situation in the valley was assessed as calm. The Abkhaz side continued to maintain control of the Kodori valley with the support of the Russian Federation forces.

38. The patrols observed an Abkhaz tent camp near Saken village in the upper Kodori valley but did not have access to the site. They also observed that the Mission's team base at Adjara, previously occupied by Abkhaz personnel, had been vacated. In the lower Kodori valley, the Abkhaz forces have continued to occupy one of the two former CIS peacekeeping checkpoints.

39. The Russian Federation forces in the upper Kodori valley are deployed mostly between Gentsvish village, where they maintain their headquarters, and the Khida and Kalamri-Sukhi passes, which provide access to the valley from the Georgian-controlled side. Reportedly, the Russian Federation forces maintain checkpoints at the Khida and Kalamri-Sukhi passes alongside Abkhaz posts. The United Nations patrols were denied access to the Gentsvish airfield.

40. The Abkhaz local administration stated that the number of inhabitants in the upper Kodori valley had decreased from the 170 previously reported to 130 by late March owing to winter conditions, which was confirmed by the International Committee of the Red Cross.

41. The Mission's human rights officers participated in two patrols in order to assess the general human rights situation and collect information on the situation of returnees and displaced persons. They noted the absence of school services but the availability of basic medical services in the valley.

42. The Human Rights Office followed up on the expulsion of three Georgian priests and four Georgian nuns from Adjara village on 2 April. The Abkhaz side stated that that measure was due to the clerics' refusal to recognize the Abkhaz jurisdiction and clerical authority.

Mission-wide developments

43. The Mission's fact-finding team completed the investigation of nine cases during the period under review. It has temporarily terminated work on four Joint Fact-Finding Group cases, in which no further investigation could be reasonably pursued.

IV. Human rights issues

44. During the reporting period, the Mission's Human Rights Office continued to implement its programme for the promotion and protection of human rights and to provide support to local non-governmental organizations. The Office has conducted monitoring visits to detention facilities to monitor court proceedings and provide advisory services to the local population on the Abkhaz-controlled side of the ceasefire line.

45. The Human Rights Office followed up on individual cases involving the right to physical integrity, the right to the security and safety of the person, equal treatment and non-discrimination and the right to access health services, as well as cases of alleged extortion. It also continued to monitor the case of a legal professional in Gagra who had been physically attacked in November 2007 in the exercise of his professional activities. In addition, the office in Sukhumi continued to follow up on complaints related to due process, the right to a fair trial, the treatment of detainees and property rights issues.

46. The Office also monitored two instances of attempts to limit freedom of expression in the print media. In both cases, two editors of prominent Abkhaz independent newspapers received threats from persons connected to the official authorities and a political party. Both incidents were condemned by civil society and media professionals, who saw them as attacks on freedom of speech.

47. The Office continued to support events commemorating the sixtieth anniversary of the Universal Declaration of Human Rights. Civil society, including local non-governmental organizations, schoolchildren, local media and other relevant stakeholders, participated in debates and round tables on human rights themes. Local television presented films on human rights issues in other parts of the world.

48. The Mission's Human Rights Office also continued to facilitate the "assisting communities together" project, which offers grants to local non-governmental organizations for human rights education and training projects at the grass-roots level. The project is funded jointly by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP).

49. During the reporting period, the position of the OSCE Human Rights Officer seconded to the Mission's Human Rights Office became vacant. With the termination of the OSCE mission in Georgia, the future of that position remains uncertain. In cooperation with the OSCE mission, the Human Rights Office has finalized and completed its human rights programmes supported by OSCE.

V. Humanitarian and rehabilitation activities

50. During the reporting period, the Mission contributed donations to schools, dispensaries, maternity clinics and residences of displaced persons. It also continued to offer English classes to the local communities on both sides of the ceasefire line. In March, the Mission completed the renovation of the Gali hospital.

51. UNDP continued to support veterinary services for local farmers by providing veterinary training to specialists and supplying vaccines. With the involvement of six farmers' groups, representing Abkhaz, Georgian and Armenian populations, UNDP began installing basic irrigation systems in the Gali, Tkvarcheli and Ochamchira districts to improve agricultural production. In the framework of providing support to women entrepreneurs, UNDP conducted an in-depth workshop on business development in the context of conflict resolution for women of Abkhaz, Georgian and Armenian origin from the Gali, Tkvarcheli and Ochamchira districts.

52. The Office of the United Nations High Commissioner for Refugees (UNHCR) began collecting applications for its shelter rehabilitation programme through centres run by World Vision International. Over 650 applications were received, and the verification and screening process is ongoing. In February, UNHCR monitored the situation of the local population following the Meore Otobaya incident (see para. 29 above). On 18 March, UNHCR and its partners facilitated a field visit by Abkhaz representatives to familiarize them with the implementation of the Office's projects in Gali town and the villages of Bedia and Nabakevi. The local residents used the opportunity to share their concerns and highlight priority needs of their communities.

53. The Danish Refugee Council, with the assistance of the Swiss Agency for Development and Cooperation, continued to rehabilitate roofing, electrical and water-sanitation lines in seven apartment blocks in Sukhumi, Ochamchira, Tkvarcheli and Gali districts and 40 houses in the Gali and Tkvarcheli districts. In cooperation with UNHCR, the Danish Refugee Council began a new project to rehabilitate 100 houses, mostly in the Gali district.

54. The World Food Programme (WFP), in partnership with World Vision International, served 11,600 beneficiaries through its food-for-work programmes in the Gali, Tkvarcheli and Ochamchira districts. In collaboration with World Vision International, UNHCR and the Swiss Agency for Development and Cooperation, WFP supported free school canteens, which provide daily meals to 1,350 students. It also continued to provide, in cooperation with Médecins Sans Frontières, food to patients at the Gulripsh hospital.

55. The United Nations Children's Fund (UNICEF) continued to monitor the situation of children and women, especially in areas close to the ceasefire line. In April, together with World Vision International and local non-governmental organizations, UNICEF began a programme aimed at improving access to health care for women and children and promoting the social inclusion of children with disabilities in the Gali district. It also provided equipment, including computers, and facilitated and monitored the immunization of children in three schools in the Ochamchira and Sukhumi districts.

56. The International Committee of the Red Cross continued to deliver humanitarian assistance to local residents in the upper Kodori valley.

VI. Mission support

57. The Mission continued its HIV/AIDS prevention and awareness programme. It held training sessions for current and incoming personnel and continued to distribute and display relevant materials in the Mission area. In implementation of Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security, the Mission regularly addressed gender-related issues and welcomed the expansion of the role and contribution of women among the military personnel. It continued to deliver induction briefings on gender equality in peacekeeping to all incoming personnel. On 6 March, the Mission celebrated International Women's Day and delivered a number of awareness-raising messages aimed at combating violence against women and girls.

VII. Financial aspects

58. The General Assembly, by its resolution 62/260, appropriated the amount of $34.5 million for the maintenance of the Mission for the period from 1 July 2008 to 30 June 2009. Should the Security Council decide to extend the mandate of the Mission beyond 15 June 2009, the cost of maintaining the Mission would be limited to the amount approved by the General Assembly for the current period. The proposed budget for the Mission for the period from 1 July 2009 to 30 June 2010 has been submitted to the General Assembly for consideration at the second part of its resumed sixty-third session.

59. As at 31 December 2008, unpaid assessed contributions to the special account for the Mission amounted to $14.5 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,673.1 million.

VIII. Observations and recommendations

60. During the reporting period, the efforts in the context of the agreement of 12 August 2008 and the implementing measures of 8 September 2008 have helped to maintain relative calm in the region. I note the agreement on "Proposals for joint incident prevention and response mechanisms" and the convening of the first meeting in that framework relating to South Ossetia. I hope that those efforts can lead to the establishment of a more stable security regime in the area, which was the scene of major hostilities during August 2008. I call on the participants of the mechanism to be convened under United Nations auspices to follow suit. I also urge all parties to facilitate the provision of humanitarian assistance by the United Nations and other international actors to the affected population.

61. In my previous reports (S/2008/631 and S/2009/69), I described the key developments following the events of August 2008 and their impact on the overall context in which the Mission has been implementing its mandate. The situation called for a comprehensive and in-depth review, in consultation with the parties and international stakeholders, of the role of the Mission.

62. Since the adoption of resolution 1866 (2009), the security situation in the Mission's area of responsibility has remained fragile, with a continued threat of

incidents, including from mines and improvised explosive devices. The local population, in particular in the Gali district, also remains in a precarious situation, with limitations on its freedom of movement across the ceasefire line. The ceasefire regime — the key foundation for the separation of forces and stabilization — has continued to erode. Heavy military equipment and military personnel have remained in the Mission's area of responsibility, despite the call in resolution 1866 (2009) that the provisions set out in paragraph 2 (a) of the Moscow Agreement be respected.

63. During the reporting period, the Mission has continued its activities on both sides of the ceasefire line, contributing to the general stability and security of the local population, in particular in the Gali district. However, given the continued erosion of the security regime, an agreement on a revised security regime is essential for a long-term stabilization and a viable United Nations role in the region.

64. Following the adoption of resolution 1866 (2009), I have requested my Special Representative to engage with the parties and international stakeholders on a possible revised security regime. My Special Representative elaborated a set of principles for such a regime. Following his initial round of consultations, my Special Representative developed a more detailed proposal, which was shared with the parties and key international stakeholders at the end of March.

65. On the basis of those and further consultations, I would like to recommend the following elements of a future security regime:

(a) Strict adherence to the ceasefire on land, at sea and in the air, and to the principle of the non-use of force;

(b) Security zones, extending 12 km on each side of the ceasefire line. In the security zones, there shall be no armed forces or military equipment. The only firearms in the zone will be personal weapons carried by law enforcement and security personnel, whose total numbers shall not exceed 600, equipped with up to 10 unarmed armoured personnel carriers;

(c) Restricted zones, extending for further 12 km on each side of the ceasefire line. In the restricted zones, there shall be no heavy military equipment, including tanks, missile systems, artillery and mortars with calibre exceeding 80 mm, with the exception of armoured personnel carriers, whose numbers shall not exceed 10. There shall be no storage of heavy weapons ammunition in the zone;

(d) Advance, i.e., 48 to 72 hours, notification of movement of personnel and equipment in the security and restricted zones;

(e) No presence of military and reconnaissance aircraft, including unmanned aerial vehicles, in the security and restricted zones;

(f) Maritime security zones, extending 12 nautical miles off the coast and 12 km on each side. In the maritime security zones, there shall be no naval vessels, with the exception of up to five coast guard patrol boats, or similar light craft;

(g) Regular United Nations monitoring of the security and humanitarian situation in the Kodori valley;

(h) Transparency arrangements, including access and provision of information, with regard to the military installations in Senaki and Ochamchira;

(i) Regular meetings in the framework of the joint incident prevention and response mechanism;

(j) Investigation and reporting of violations by the United Nations;

(k) Security and full freedom of movement of United Nations personnel.

66. On the basis of the above security regime, and as requested by the Council in resolution 1866 (2009), the following are my recommendations with regard to the future activities of the Mission:

(a) To monitor and verify the implementation of the security regime as proposed in the above paragraph of the present report;

(b) To maintain contact with the parties and other relevant actors, including through the joint incident prevention and response mechanism, with a view to preventing tensions and resolving incidents;

(c) To facilitate the freedom of movement of the local population across the ceasefire line, including through monitoring at crossing points;

(d) To contribute to the provision of humanitarian assistance and the creation of conditions for the safe and dignified return of internally displaced persons and refugees, including through promoting their basic rights and facilitation of efforts by United Nations funds and agencies to improve their socio-economic conditions;

(e) To contribute, through strengthened United Nations police and human rights capacities and functions to ensure effective monitoring and investigation activities, to the improved law enforcement and respect and protection of human rights of the local and returnee population, especially in the zone of conflict;

(f) To facilitate contacts between the parties, with a view to promoting cooperation on practical issues, confidence-building and dialogue.

67. A United Nations stabilization mission with this mandate would cooperate with other international partners in the region, such as the European Union monitoring mission and OSCE. It would also contribute, through the efforts of my Special Representative, to joint mediation efforts by the European Union, OSCE and the United Nations in the framework of the implementation of the agreement of 12 August 2008 and the implementing measures of 8 September 2008.

68. In conclusion, I would like to express my gratitude to my Special Representative and to the men and women who have served with the Mission since 1993 for their efforts to promote a more stable situation on the ground and their commitment, despite difficult circumstances, to contribute to peace and security in the region.

Annex

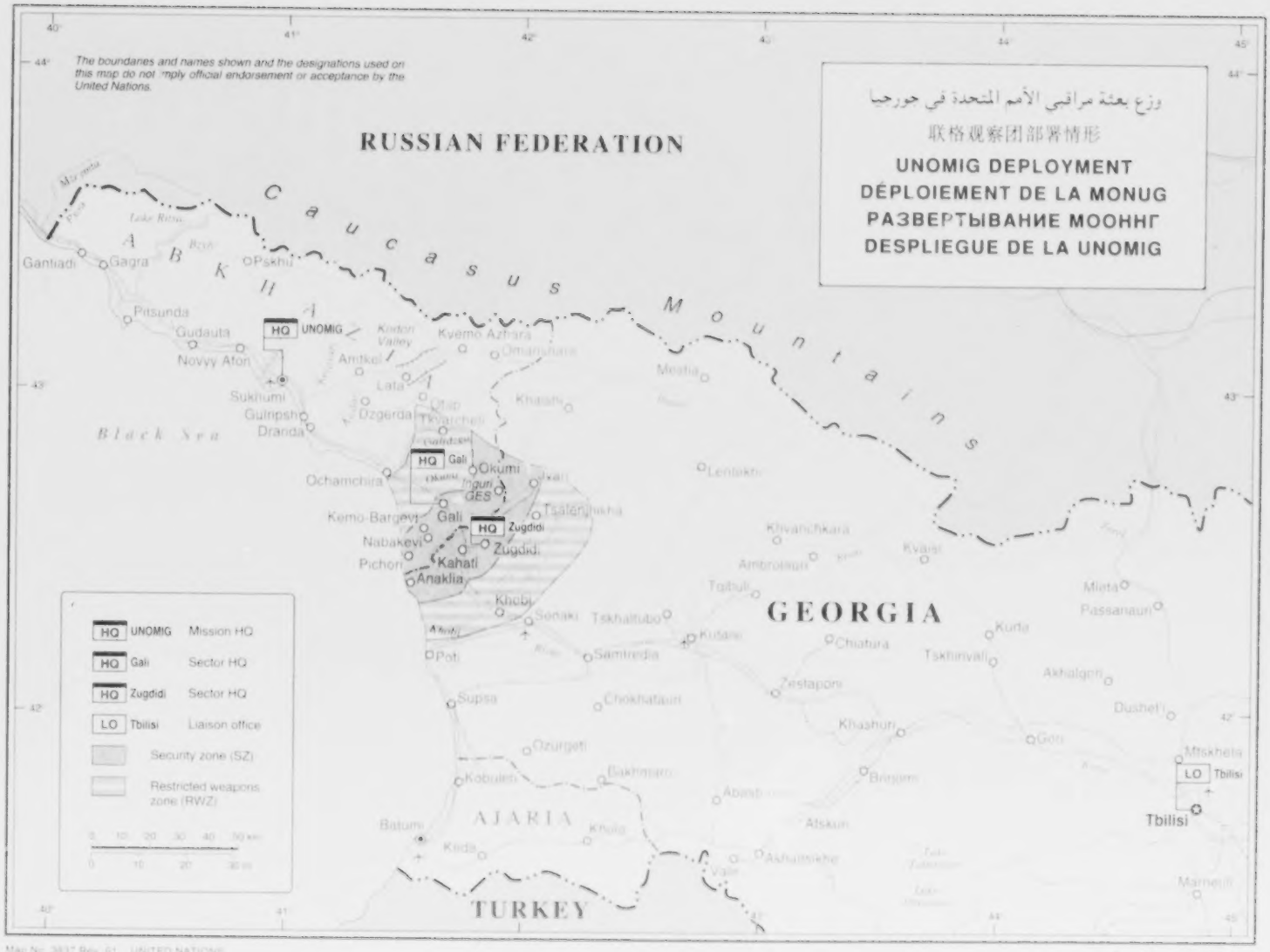
A. Countries providing military observers (as at 30 April 2009)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	10[a]
Croatia	3
Czech Republic	5
Denmark	5
Egypt	6
France	3
Germany	11[b]
Ghana	1
Greece	4
Hungary	5
Indonesia	4
Jordan	7
Lithuania	2
Mongolia	1
Pakistan	7
Poland	5
Republic of Korea	7
Republic of Moldova	1
Romania	2
Russian Federation	5
Sweden	3
Switzerland	4
Turkey	4
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	5
United States of America	2
Uruguay	4
Yemen	3
Total	**129**

B. Countries providing police personnel (as at 30 April 2009)

Country	*Police personnel*
Czech Republic	2
Germany	2
Ghana	1
Philippines	3
Poland	2
Russian Federation	2
Sweden	2
Switzerland	1
Ukraine	1[c]
Total	**16**

[a] Includes the Chief Military Observer.
[b] Includes eight medical personnel.
[c] Senior Police Adviser.



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Security Council

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Original: Arabic

Letter dated 16 May 2009 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

1. Further to my previous letters addressed to the Security Council concerning the repeated aggressions committed by neighbouring Chad, I find myself compelled to write to you once again in order to inform the Council of yet another flagrant aggression in a series of such aggressions committed by Chad against the Sudan, in blatant disregard of all agreements concluded between the countries and of all instruments and norms governing neighbourly relations. Yesterday, three warplanes of the Chadian air force penetrated 60 km inside the Sudan and carried out an intensive aerial bombardment of the area adjacent to Jabal Sindu, south of El Geneina. The Government of the Sudan has informed the ambassadors of the five permanent members of the Council accredited to Khartoum of that incident; it has also informed Mr. Ashraf Jehangir Qazi, the Special Representative of the Secretary-General for the Sudan, and the representatives of the African Union and the League of Arab States.

2. As usual, the Government of Chad has abused the wisdom and restraint of the Sudan by persisting in its impudence. Today, at precisely 1.30 p.m., it repeated its action of yesterday, as the Chadian air force once again indiscriminately bombarded the areas south of El Geneina, spreading terror among innocent civilians.

3. The Government of the Sudan is exasperated by and has grown weary of Chad's continued hostile and reckless undertakings and of its attacks against the sovereignty, territorial integrity and national security of the Sudan. We should like to emphasize to the Council that the Government of the Sudan reserves its full and unrestricted right to respond to the treacherous aggressions of Chad in a decisive and deterrent manner so as to put an end to those provocative actions and maintain the Sudan's honour and sovereignty and the security of its citizens.

4. Finally, I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative of the
Republic of the Sudan to the United Nations

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United Nations S/2009/256

Security Council

Distr.: General
20 May 2009

Original: English

Letter dated 19 May 2009 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I refer to presidential statement S/PRST/2009/15 issued by you on the situation in Somalia on Friday, 15 May 2009.

In this connection, I wish to put on record my Government's strong opposition to, and categorical rejection of, the unsubstantiated accusations levelled against my country as described in operative paragraph five of the presidential statement.

My Government is indeed appalled by the unwarranted decision of the Security Council to accuse a Member State on the basis of "reports" whose origins, underlying motivation and veracity have neither been acknowledged nor ascertained. Sadly, this pattern is not new. The fact is my country has been falsely accused of "sending troops or supplying weapons" to "this or that Somali faction" on several occasions before. Too often, these accusations were primarily motivated by, and conveniently timed with, illegal acts of interference and invasion of Somalia by certain powers and their regional allies.

The Security Council statement asserts that the "Transitional Federal Government is the legitimate, internationally recognized Government of Somalia". As my Government has underlined on many occasions, the highly complex and grave conflict in Somalia will not be resolved by arbitrary and ill-advised formulas that have no basis in international law and that do not reflect the wishes and sovereign political choices of the Somali people. "Transitional Governments" that are periodically hatched in non-inclusive incubators outside Somalia have never survived the test of time in the past years in spite of the huge military and financial support extended to them by their external sponsors. The illicit provision of arms associated with, and justified under, these acts have further added fuel to the simmering conflicts.

These experiments could have perhaps been excused had they not been fraught with massive loss of human life and suffering to the Somali people and with detrimental ramifications to the stability and security of the Horn of African region. But the human misery has been, and remains, too tragic for these disastrous "experiments" to continue without let up under this or that rationale.

As will be recalled, Ethiopia's invasion of Somalia at the beginning of 2007, with the deplorable endorsement of the Security Council, to prop up the previous "Transitional Government", entailed two years of chaos and mayhem. Over half a

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million Somalis were dislocated; numerous villages pulverized in indiscriminate air attacks; and tens of thousands of civilians killed. At the time, the broad coalition of the Union of Islamic Courts was routinely condemned, wrongly labelled as "the epicentre of terrorism" while the "Transitional Government" of the day was condoned as the sole legitimate authority. The imperative for broad-based, inclusive processes of peacebuilding and national reconciliation was shrugged off. After two years of failure, we are again being called to sing the same chorus.

The people of Somalia should not continue to be victims of ill-advised experiments and formulas worked out elsewhere. They deserve better. And above all, their sovereign rights to form their own Government through their internal processes of peacebuilding and reconciliation should not be compromised.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

United Nations S/2009/257

Security Council

Distr.: General
20 May 2009

Original: English

Letter dated 19 May 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a press statement on the fifth meeting of the Permanent Consultative Framework of the Ouagadougou Political Agreement, held on 18 May 2009 under the auspices of the Facilitator of the inter-Ivorian Direct Dialogue, Blaise Compaoré, President of Burkina Faso (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Paul Robert **Tiendrébéogo**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 19 May 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council

[Original: French]

Inter-Ivorian direct dialogue

Fifth meeting of the Permanent Consultative Framework

Ouagadougou, 18 May 2009

Press statement

1. At the invitation of His Excellency Mr. Blaise Compaoré, President of Burkina Faso, Facilitator of the direct inter-Ivorian dialogue, the fifth meeting of the Permanent Consultative Framework of the Ouagadougou Political Agreement was held in Ouagadougou on Monday, 18 May 2009.

2. In addition to the Facilitator, the meeting was attended by the following, all members of the Permanent Consultative Framework:

- His Excellency Mr. Laurent Gbagbo, President of the Republic of Côte d'Ivoire;
- Mr. Guillaume Kigbafori Soro, Prime Minister;
- Mr. Henri Konan Bédié, President of PDCI-RDA (Partie Démocratique de Côte d'Ivoire-Rassemblement Démocrate Africain);
- Mr. Alassane Dramane Ouattara, President of RDR (Rassemblement des Républicains).

3. In his introductory remarks, the Facilitator warmly welcomed the members of the Permanent Consultative Framework to that important meeting. He congratulated them on the significant progress achieved in the implementation of the different crisis recovery programmes, including the identification and voter registration operations. He welcomed the scheduling of the first round of the presidential election for 29 November 2009 and called for the conclusion of the voter registration operation by 30 June 2009. He thanked the international community for its financial and technical support which had helped to achieve significant progress in the peace process and to put the country's economic programmes back on track under the Heavily Indebted Poor Countries (HIPC) Initiative.

4. Following the adoption of the agenda, the Members of the Permanent Consultative Framework were briefed on developments in the electoral process and on the electoral timetable by Mr. Robert Beugré Mambe, Chairman of the Independent Electoral Commission (CEI).

5. Mr. Mamadou Koné, Minister of Justice and Human Rights, reported on the status of the operation to reconstitute lost or destroyed civil registers scheduled to end on 20 May 2009.

6. The Prime Minister introduced a report on the evaluation of the implementation of the Ouagadougou Political Agreement and the supplementary agreements thereto.

7. The members of the Framework welcomed the quality of the information provided by those presentations and discussed issues relating to the completion of the identification and voter registration operations, the implementation of the electoral timetable and of a security plan for the electoral process, as well as to the financing of the crisis recovery process.

8. The members of the Permanent Consultative Framework welcomed the satisfactory results achieved by the identification and voter registration operations which, as of 13 May 2009, had registered 6,048,114 persons. They called on the Government, CEI and the entities involved in those operations to take all appropriate steps to rapidly complete them, including by focusing on identifying and registering citizens who were living in areas that had not yet been covered or abroad.

9. Framework members recommended that the Government and the Independent Electoral Commission should ensure that all the applicants whose names were included in the reconstituted civil registers and who held court-issued copies of qualifying judgements or certificates of the relevant civil officer were duly registered.

10. Taking note of the detailed electoral timetable proposed by CEI to the Government, the Permanent Consultative Framework endorsed the Government's decision, on the proposal of CEI, to schedule the first round of the presidential election for 29 November 2009.

11. Taking into account the date fixed for the first round of the presidential election, the members of the Framework urged CEI and the entities involved in the electoral process to immediately proceed with outstanding preparations such as enacting electoral legislation; providing coordination centres with adequate equipment; data processing, including avoiding duplication and cross-checking with past records. Strict compliance with that timetable would enable the voter roll to be issued by September 2009.

12. The Framework encouraged the Special Representative of the Secretary-General in Côte d'Ivoire to inform all the parties concerned about the contents and protocol of the five-criteria framework developed for the certification of the electoral process pursuant to his mandate under Security Council resolution 1765 (2007).

13. The members of the Framework were briefed on the status of the plan to deploy Integrated Command Centre joint police and gendarmerie units, which was launched on 5 May 2009 pursuant to the comprehensive plan on measures to ensure the security for the electoral process approved by the fourth meeting of the Framework held on 10 November 2008 in Ouagadougou. They commended all the parties on those encouraging results and urged the Government, the Defence and Security Forces, the Forces armées des Forces nouvelles (FAFN) and the impartial forces to support the comprehensive security plan and ensure that it was fully implemented under the authority of the Framework.

14. With regard to the re-establishment of the tax and customs administration throughout the country, the Permanent Consultative Framework welcomed the fact

that 20 May 2009 had been selected as the date for FAFN zone commanders to begin transferring authority to prefects. The Framework also welcomed the reinstatement of judges and other court officers following the rehabilitation of trial courts and the prison system in the centre, north and west region. It also hailed the ongoing efforts of the Ivorian parties with a view to the re-establishment of a single and fully effective State exchequer throughout the country.

15. The members of the Framework reminded all Ivorian political stakeholders of the importance of the Code of Good Conduct that Ivorian political party leaders signed on 24 April 2009 in the presence of the highest Ivorian authorities and the United Nations Secretary-General and called on the political parties to strictly abide by it.

16. In anticipation of the election campaign, the Permanent Consultative Framework invited the Government and the regulatory bodies, specifically the National Council for Broadcast Communication (CNCA) and the National Press Council (CNP) to strictly abide by the principle of equitable access by political parties to public media and of fair and balanced reporting.

17. The Framework noted with regret the continuing obstacles to the free movement of persons and goods as a result of the proliferation of road blocks and rampant extortion and called upon the Ivorian authorities to take firm action against such obstacles, which hindered the country's economic recovery and the free movement of persons and goods.

18. The Framework welcomed the gradual return of war-displaced persons and called on the Government and development partners to continue providing support for their return and resettlement in their home regions in order to further consolidate peace and national cohesion in Côte d'Ivoire.

19. With regard to the financing of the crisis resolution process, the Framework urged the Government to continue to provide CEI and the entities responsible for identification and voter registration operations with adequate financial resources for the timely completion of that crucial phase of the electoral process.

20. The Permanent Consultative Framework thanked the international community for its multifaceted support for the crisis recovery process. As a result of such support, Côte d'Ivoire became eligible in March 2009 for the Poverty Reduction and Growth Facility (PRGF) and reached the decision point under the Heavily Indebted Poor Countries (HIPC) Initiative. It commended the Ivorian Government on its efforts to pay off its domestic debt in order to pave the way for gradual economic recovery.

21. At the end of their meeting, the members of the Permanent Consultative Framework again expressed their gratitude to His Excellency Mr. Blaise Compaoré, President of Burkina Faso, Facilitator of the direct inter-Ivorian dialogue, for all his ongoing efforts to find a successful resolution to the crisis in Côte d'Ivoire.

22. The Permanent Consultative Framework decided to hold its next meeting in September 2009.